

United States Court of Appeals

FOR THE ELEVENTH CIRCUIT

Filed at

10-27-96

No. 95-9059

District Court No. 4:95-CV-36

[Signature]
DEPUTY CLERK U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

OCT 17 1996

MIGUEL J. CORTEZ
CLERK

IN RE: E.I. DU PONT DE NEMOURS & COMPANY -
BENLATE LITIGATION.

THE BUSH RANCH, INC.,
WILLIAM R. LAWSON, individually,
YELLOW RIVER GROWERS, C. RAKER & SONS,
INC., a Michigan corporation,

Petitioners-Counter-Defendants-
Appellees,

C. NEAL POPE, a Georgia resident,
POPE, MCGLAMRY, KILPATRICK & MORRISON,
a Georgia partnership,

Counter-Defendants,

versus

E.I. DU PONT DE NEMOURS & COMPANY,
a Delaware corporation,

Respondent-Counterclaimant,
Appellant.

Appeal from the United States District Court
for the Middle District of Georgia

Before DUBINA and CARNES, Circuit Judges, and FARRIS*, Senior
Circuit Judge.

J U D G M E N T

This cause came to be heard on the transcript of the record
from the United States District Court for the Middle District of
Georgia, and was argued by counsel;

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UPON CONSIDERATION WHEREOF, it is now hereby ordered and adjudged by this Court that the order of the said District Court appealed from in this cause be and the same is hereby REVERSED; and that this cause be and the same is hereby REMANDED to said District Court for further proceedings in accordance with the opinion of this Court;

It is further ordered that petitioners-counter-defendants-appellees pay to respondent-counterclaimant-appellant the costs on appeal to be taxed by the Clerk of this Court.

*Honorable Jerome Farris, Senior U.S. Circuit Judge for the Ninth Circuit, sitting by designation.

Entered: October 17, 1996
For the Court: Miguel J. Cortez, Clerk

By: Matt Davidson
Deputy Clerk

ISSUED AS MANDATE: 10/21/97

Order making CCA-11 judgment issued as mandate,
the judgment and order of the District Court.

This 29 day of October, 1997.

Robert Elliott
U.S. District Judge

Filed at 4:30 P M
NOV 4 1997
DEPUTY CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

A True Copy - Attested:
Clerk, U.S. Court of Appeals
Eleventh Circuit
By: Mike Shagrir
Deputy Clerk
Atlanta, Georgia